

## REMARKS

Claim Rejections under 35 U.S.C. § 102(a)

Claims 1 through 12 stand rejected in the current Application under 35 U.S.C. §102(a) as being anticipated by Kuhnel, et al (European Patent Application EP0959582A1), hereinafter referred to as Kuhnel. In the current Amendment, Applicants respectfully traverse the rejections after giving due consideration to the arguments for rejection presented in the Office Action.

Applicants' Claim 1 reads:

1. (Original) A method for generating a congestion indicator, comprising:  
determining an outerloop threshold as a function of a desired threshold,  
measuring a congestion metric;  
comparing the congestion metric to the desired threshold; and  
updating the outer loop threshold in response to comparing the measured  
congestion metric to the desired threshold.

Applicants respectfully submit that Kuhnel fails to teach or suggest all elements and limitations of Applicants' Claim. Specifically, Kuhnel does not teach or suggest "determining an outerloop threshold as a function of a desired threshold" and "updating the outer loop threshold in response to comparing the measured congestion metric to the desired threshold." Kuhnel does mention a threshold in column 10, lines 50-55 but this teaching is distinct from an outerloop threshold as a function of a desired threshold. In contrast, Kuhnel states that the "CACM module is notified, if the available capacity on the wireless ATM link changes for a certain percentage or passes a given threshold." Clearly, there is no mention of an outerloop threshold as a function of a desired threshold. Furthermore, because Kuhnel does not teach an outerloop threshold, Kuhnel cannot teach "updating the outerloop threshold."

The discussion above demonstrates that independent Claim 1 is patentably distinct from Kuhnel. Similarly, Claim 6 is patentably distinct from Kuhnel because Kuhnel fails to teach an outerloop threshold. Dependent Claims 2-5 and 7-12 are therefore also

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allowable because they include all elements and limitations of their respective independent claims.

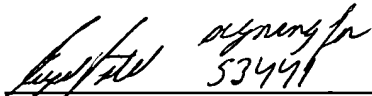
Applicants respectfully assert that all Claims are allowable over the cited art. Applicants request withdrawal of the rejections and objections of the present Application for Patent.

## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending Claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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